

## BOARD OF ZONING APPEALS

### MINUTES

November 27, 2007

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas was held at 1:30 p.m., on November 27, 2007, in the Planning Department Director's Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, and Kansas.

The following board members were in attendance:

BICKLEY FOSTER, DWIGHT GREENLEE, STEVEN ANTHIMIDES, JOSHUA BLICK arrives at 1:42pm, & JERRY HOGGATT arrives at 1:34pm.

Board members absent:

STEVEN ANTHIMIDES

BENJAMIN STIFF

City of Wichita staff present:

HERB SHANER – Office of Central Inspection present.

SHARON DICKGRAFE– Law Department

The following Planning Department staff members were present:

JESS MCNEELY, Secretary.

YOLANDA ARBERTHA, Recording Secretary

FOSTER We will start the BZA hearing at 1:35PM on November 27, 2007. The first thing on our agenda is to approve the minutes of 10/23/2007.

GREENLEE Mr. Chairman, I moved that we approved the minutes.

HOGGART I seconded it.

FOSTER All in favor say aye?

FOSTER All oppose says nay?

MOTION CARRIES UNANIMOUSLY

FOSTER The next item is our first case BZA2007-63. This is a variance to permit an existing carport in the front yard setback.

MCNEELY We had one other item on the agenda number 2 is actually approving the BZA Calendar. If you would like to put that at the end of the cases, it will be okay. So you would like to hear agenda item number 3?

FOSTER Okay.

McNEELY      Agenda item number 3, BZA2007-63 is a variance request of the front setback in TF-3 two family residential zoning for a carport.

**BACKGROUND:** The applicant requests a variance to reduce the front building setback from 25 to five feet for an existing carport in front of the applicant's house, over the existing 11-foot driveway. The Unified Zoning Code (UZC) requires a 25-foot front setback in TF-3 zoning. The existing carport is within five feet of the front property line, where it has existed for over 12 years. The applicant's lot is unique in that it is two 25-foot wide lots platted in 1909; the house was built in 1944 within 25 feet of the front property line, and within 6 feet of the north property line. No other options exist on this property for a carport location. Likewise, the property north of the site has a 32-foot side yard, adjacent to the carport. North, south, east and west of the site are single-family residences.

**ADJACENT ZONING AND LAND USE:**

NORTH	"TF-3"	Single-family residences
SOUTH	"TF-3"	Single-family residences
EAST	"TF-3"	Single-family residences
WEST	"TF-3"	Vacant, Single-family residences

*The five criteria necessary for approval as they apply to the variance requested.*

**UNIQUENESS:** It is staff's opinion that this property is unique, as it was platted and developed prior to the current zoning code standards, with no other options for a carport location. This property is also unique in that the property to the north is developed with a house over 32 feet from the property line. The carport structure is unique in that it is an open-air carport, not enclosed living space.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested setback reduction variance will not adversely affect the rights of adjacent property owners. The carport is approximately 40 feet front the adjacent residences, and therefore does not block their view of the street. Likewise, the carport is an open structure within the front setback, and is therefore not visually obtrusive.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the zoning code would constitute an unnecessary hardship upon the applicant, as requiring the applicant to comply with the 25-foot setback will prevent the applicant from improving her property with a carport with no corresponding public benefit.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance of the front building setback would not adversely affect the public interest, as the public has an interest in supporting the logical development of residential properties, including permitting upgrades and redevelopment of existing properties through the approval of variances in areas where non-conformities with the current zoning regulations are common.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance of the front building setback would not oppose the general spirit and intent of the zoning regulations, as the

primary intent of the front setback is to maintain sufficient separation between structures and public right-of-way. The requested variance does not negatively impact this intent, as the carport is an open-air structure, and does not impede street visibility for the adjacent properties.

**RECOMMENDATION:** Staff finds that the requested variance meets the five conditions necessary for a variance. Should the Board concur and determine that all five conditions necessary for a variance exist, then the Secretary recommends that the variance to reduce the front setback from 25 to five feet be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The setback reduction shall apply only to the “carport” structure as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

MCNEELY      The applicant is here today. Are there any questions of staff?

YOUNG          Can you go back to the photo of the carport?

GREENLEE      That has been there for some time?

MCNEELY      Yes. As the applicant states in her letter, the carport was put in place about 12 to 15 years ago by builder’s square. The company that put the carport up did not get a building permit. The building permitting process would have identified that it was in the front set back.

FOSTER          Jess, do you think we can rehabilitate Mr. Blick so we can vote here? Please show him the slides and I asked if he had a chance to read the case information?

BLICK           Yes, I have.

MCNEELY      This would be a slide of the zoning in the area. You will see all the surrounding area is zoned TF-3, two-family residential. This is an aerial photograph of the site. You will see that the property to the north, the house is about 32 feet from the north property of the subject property. You will see that they have single-family houses, north, south and east of the property and immediately to the west, the property is vacant. Most of the other residences in the immediate area are single residences. This is a site plan submitted by the applicant. You will see that this is a 50-foot wide lot and 135 feet with the carport centrally straddling their existing 25-foot wide driveway. Look at this carport with the fence to either side of this house. You would have to go in front of it. The house sits at the 25 feet setback line. So the variance is requesting, a variance of a 25 feet setback. This is a photograph of the subject property with the existing carport for which the variance is requested. Looking

north of Green Street from the subject property, and looking south down Green Street from the subject property. This is looking east across the street from the subject property. Any questions? Thank you.

FOSTER If no other questions, I will call on the applicant. Ms. Marjorie, you may remain in your seat if you would like.

Marjorie M Jennings, I live at 1149 N Green, Wichita, KS and I have my daughter here with me. Everything has been presented well by Jess McNeely. I really do not have anymore to add to his comments.

FOSTER Your letter explained it well. Do you agree with the conditions set forth in the secretary's report?

JENNINGS Yes. I do have one question. Is this the end of all the City's requirements for the carport? I was given a citation by the City inspection, that in turn told me I should have applied for a building permit. I tried to get a permit and was told that I have to go before the Planning Department for a Variance.

MCNEELY This is the final step. Once this is approve, Office Of Central Inspection will get a copy and everything will be completed. You will not have to deal with any more carport issues. This will be recorded on your property.

JENNINGS Good. I hope so.

FOSTER Are you ready to vote?

GREENLEE I will move that the board accept the findings of facts as set forth in the secretary's report and that all five conditions set out in section 2.12.590 B of the City Code as necessary for the granting of a variance have been found to exist and that the variance be granted subject to the conditions.

YOUNG Seconded.

FOSTER All in favor say aye.

FOSTER All opposed say nay.

#### **MOTION CARRIES UNANIMOUSLY 5-0**

FOSTER Next, we will here case BZA2007-64. This has three variances to signage for Newman University, one to increase the size, one to increase the height and to permit a color electronic message board. Jess, are you ready to present your case?

MCNEELY Good afternoon, I am Jess McNeely here to present BZA2007-64 three variances for Newman University's sign.

**BACKGROUND:** The applicant requests three variances for a proposed electronic message board sign on the Newman University campus, south of Kellogg and west of Sheridan. The Sign Code limits signs in the "U" University District to 32 square feet in area, to 25 feet in height, and illuminated with white light only, with no flashing or moving images. Therefore, the applicant requests this variance for a sign with 146 square feet in area, 30 feet in height, and illuminated with colored light. The proposed electronic message board sign is visible from the Kellogg/US 54 limited access freeway. See the applicant's attached site plan, elevation drawings, and letter.

Newman University rezoned this site from residential and office zoning to the "U" zoning district in late 2006. The purpose of that rezoning was to accommodate university residential development on the site, which has now been built. Newman received two previous variances for building signage southeast of the current application area. Variance BZA2000-34 permitted an increase in building sign size from 48 square feet to 132.5 square feet, and permitted increased height from 20 feet to 30 feet for a building sign on the O'Shaughnessy Sports Complex, also facing Kellogg. Variance BZA2007-22 increased the size of two signs from 25 and 48 square feet to 175 square feet and increased the height for the same two signs from 20 to 35 feet on the new Dugan Library and Campus Center Southeast of the current application area. Friends University, northeast of this site, along Kellogg, also received a variance to increase the height of an electronic message board sign in "U" zoning.

North of the application area is Kellogg/US 54, where the applicant wishes the sign to be viewed from. Kellogg is not elevated directly adjacent to the proposed sign. Southeast of this site is the sports complex with signage visible from Kellogg; further southeast is the remaining Newman Campus. Southwest of the site are Newman residences, with a university logo sign on one residence building also visible from Kellogg. The proposed sign would not directly face any off-campus residences. Although residential properties exist to the northwest, over 300 feet from the site across Kellogg, these residences may have visibility of the proposed signage from across Kellogg.

Recent sign code amendments regulate electronic message board brightness, and require brightness adjustment capability. Within the application area's "U" zoning district, electronic message board signs are limited to white light, and may not have flashing or moving images.

**ADJACENT ZONING AND LAND USE:**

NORTH	no zoning	Kellogg/US 54
SOUTH	"SF-5", "B", "U"	University campus
EAST	"B"	University campus
WEST	"U"	University campus

*The five criteria necessary for approval as they apply to variances requested.*

**UNIQUENESS:** It is staff's opinion that this property is unique, as the proposed signage is along a heavily traveled freeway, where typical commercial zoning would permit a much larger sign than that requested. The sign code limitations within the "U" University District do not consider sites with freeway frontage. A site this large, at this location with proximity to freeways, could house numerous businesses under commercial zoning, and each business would be allowed separate signage within square footage limits.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for increased sign area, height, and allowing colored light will not adversely affect the rights of adjacent property owners. All adjacent property is on the Newman campus. The nearest off-campus residences are over 300 feet from the proposed sign across Kellogg.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant, as a 25 foot tall, 32 square foot sign limited to white light may not be sufficiently visible to high speed, heavy traffic on Kellogg. University identification and communication would serve in the community interest. The requested signage size, height, and color are appropriately relative to the campus size and Kellogg frontage.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for increased sign size, height, and allowing colored light would not adversely affect the public interest, as adequate university identification and communication would serve in the community interest. The requested signage size, height, and color are appropriately relative to the campus size and Kellogg frontage.

**SPIRIT AND INTENT:** It is staff's opinion that the requested variance for increased sign size, height, and allowing colored light would not adversely affect the public interest, as adequate university identification and communication would serve in the community interest. The requested signage size, height, and color are appropriately relative to the campus size and Kellogg frontage.

**RECOMMENDATION:** It is staff's opinion that the requested sign size, height, and color would be appropriate for identification of a university campus along a freeway. Should the Board determine that conditions necessary to the granting of the variances exist, then the Secretary recommends that the variance to permit a 32 square foot sign, at 30 feet in height, with colored light, be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by BZA.
3. The sign shall conform with all other requirements of the sign code, and shall not include moving, or flashing, or animated images or text.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

MCNEELY The applicant is here to answer any additional questions. Are there any questions for staff?

HOGGATT Can you go back and show exactly where the sign will be erected?

MCNEELY At the northeast corner of this lot off of this drive, I think they have a slight curve drive that comes off this road. Admittedly this is hard to look at being that the aerial photograph is old and does not show the current changes,

HOGGATT A couple of photos back, it looked like a drive in front of the parking lot.

MCNEELY Right here, this would be the curving street in front of the O'Shaughnessy building here. And this is the drive that accesses the residential area.

GREENLEE Is it back where the red flag is?

Will the asphalt cut in?

MCNEELY I think the sign from this photograph angle will be right where I was standing when I took the photograph. It will be a little in the foreground of the photograph.

FOSTER Any other questions of staff? Okay, we will call on the applicant.

My name is Mark Dresselhaus; I am vice president of Finance and Administration at Newman University. The sign request really came out of a project that started several years ago. That project was to revamp our campus. The Dugan Library in the photographs is in the center of that revamping. The new housing that we built, which is to the west of the proposed sign, is another part of that project. We have added to our on campus residential facilities to attract more students to make our lives even better on our campus than it has been before. One of the key pieces, and the city participated in, is the re-routing of McCormick Street. This is the area where we are having difficulty visualizing because the aerial photo does not show the changes. McCormick use to go through our campus to the south of Demitius and O'Shaughnessy. The City in partnership with us agreed to re-route McCormick to the north of the Demitius and O'Shaughnessy and then bring it back around into K-42 as you go from west to east. That has been a positive thing for us because we have the traffic flowing differently than it had been. The sign is something we talked about because we knew that with that re-route the existing sign would not be as visible from Kellogg. The existing sign was a lower one it was 15 feet tall and you had to put the letters up by hand and they blow off in the wind. We started looking for site where we could have better signage for our campus. I thought I brought more of these and I apologize; this is a lay out of our campus master plan. This is north, this is the area outlined, in the staff's report. This is the actual frontage that we have on Kellogg in this exit ramp from Kellogg to K-42. That is nearly 2000 feet in there. So in this area, there will not be any other signs unless

we put it up. The sign will be located here where we took down the old apartments and turned that into a parking lot as we built a new residence over here. That sign is right in this area. We pick that area for one reason. The other sign that you saw the existing sign is located in this area. It is fairly low to the ground with not much visibility from either lane of Kellogg eastbound or westbound. We pick this area so that we could get more visibility. One of the things at this site (and this addresses our height variance) is that there is also across the freeway here. There is a traffic sign troughs that runs high up. Also, there are trees and landscaping along here as well as going back into this direction too. So, we picked this site and the height of the sign as not to interfere with the existing traffic signage that goes above the roadway. And where we would have to do minimal tree cutting and pruning. There are two or three trees that will plan to remove as a part of this planning as opposed to removing 10 or 12 trees. We have been very concerned about the aesthetic look of the campus as well as the visibility of the sign. Speaking about the sign, Newman University, we are a Catholic University named after John Henry Cardinal Newman, and are founded by the doors of the blood of Christ for the purpose and in ordering students to transform society. We do that through our educational programs and our degree programs. We educate young people and old people. We educate people who are trying to make a career changes. In those educational programs are the foundations of what we do. We do other things to, we offer fine arts programs. Whether it is art, music, or plays to the community for community attendance. Also we have an athletic program. We've just gone into a division 2 NCAA from NAIA that is a big step for us. So, we have competitive teams, men basketball, women basketball, women volleyball, wrestling, soccer, baseball and women softball program. We offer a whole range of athletic events that are open to the public. In addition to that and one of the best things in my view of the Dugan Library is that part of the Dugan Library is a conference center. What we do with that conference is invite the community in to attend seminars, workshops, events, educational events, conference and that is oriented outwards to the community and community use to educate the community. The purpose for the sign is to help us to inform the community of the kinds of events that are going on in the campus. We will remove the existing sign. Actually that is part of the original agreement we had with the City when McCormick was re-routed, we had not done it because we just now got and alternative to that sign.

FOSTER I am looking at sign. The sign says Jets are you talking about a reader board type of sign there?

DRESSELHAUS Yeah. This area is the LED portion of the sign. This area is fixed and this is fixed.

GREENLEE But the rest of it is not.

FOSTER You can change the message?

DRESSELHAUS Correct.



FOSTER Where the Jets is?

DRESSELHAUS Where the Jets and where the player is listed. One of the advantage of the LED signs over incandescent signs or other signs, is that you can take an image and reproduce it in a fairly high quality and fairly high definition. We are restricted to having no animation. We can rotate every second what is on there. We cannot have letters that scroll but we can use color for these kinds of display.

FOSTER The reason I am asking is I am looking here on a condition. It talks about a flashing, animated images, or text. It's not going to do any of those?

DRESSELHAUS No. But the pictures on there will change according to the allowances to the code. We cannot have flashing pictures like you see at the payday loans. We will have an image that will stay up there from a one second minimum to 10 minutes or more. Depending on what events we are trying to highlight on that given day.

DICKGRAFE Really the only variance you are asking for is to have color over white. You are not asking for any other variances from the code conditions regarding the LED sign.

DRESSELHAUS That is correct.

DICKGRAFE Which I think is response to your question. All this board is being asked to vary is to have color rather than white. Any other specifications or restrictions that are in the code are still going to be there.

DRESSELHAUS In addition, one other requirements of the code and one which we agree with from an aesthetic standpoint is that at night those signs have to dim down to the prescribed perimeters. The one that we are proposing to buy does that.

FOSTER Is it an automatic feature?

DRESSELHAUS It is an automatic feature.

FOSTER Any other questions from the board?

BLICK Can you go back to that one Jess with the access street in front of it?

McNEELY The aerial photograph?

BLICK No, right there. Is the sign going to be across the street where the green and red flags are or where the stakes are?

DRESSELHAUS No, it is a little easier to see them. What you are looking there is this driveway that is right here. So you are looking at a little island right there. The sign will actual be closer to the property-line and set back to the west. Actually if

you look at this, this is the edge and this is the driveway so when this picture was taken the person was actually standing south of the driveway. We actually will be on north edge of that driveway.

FOSTER Any other questions from the members.

DRESSELHAUS We appreciate all that everyone is doing and thank you very much. I do not need this copy, would you like to have it?

McNEELY Yes, I will need a copy for the record. Thanks!

FOSTER Is there anyone else to speak to us. Since there is no one else, I will confine the discussion to the board. Jess I would like to know more. We have never have anything about color, is that an actual variance? Is that in the code that it is a variable thing? Does the board have jurisdiction over it and so forth?

McNEELY The sign code and we are all familiar with sign code limiting the size of your sign measured in square footage. We are all familiar with sign code limiting the height of signs. For the "U" district in the sign code, signs are limited to white light only. In a commercial district, you would not be limited to white light only. As Mark explained the sign they are proposing, they could have that sign with this image you are seeing right here all in black and white imagery. They can have an LED sign the sign code does not prohibited them from having an electronic message board sign. The sign code, as we are further reinforcing conditions, would specify it cannot be a video board sign. It cannot have animation. It cannot have flashing or moving images. So this sign just as they proposed it, not in size, but being an LED sign with an image in it; they could have under the code in black and white. The sign code limits the University district to "white light" only. Among the other two variances for area and height this area also request that the image be allowed to be colored.

DICKGRAFE In response as to whether the board has jurisdiction to hear the appeal, the sign code which is 2404.135 (B) states that this board would have jurisdiction to hear an appeal for an variance for this particular section of the sign code.

FOSTER It refers to color as such? Or just the whole section?

DICKGRAFE It refers to that whole section.

FOSTER The entire section is up for grabs.

DICKGRAFE You are limited to what the applicant is requesting in the variance but the part in that section under that zoning is that the sign can only have white light.

FOSTER Are there any other questions from the board?

HOGGATT The location of these signs now is critical. I do not want to hear that it is kind of back over here or back over there. When you say north, I want to know what is on the north side of that sign since you are asking us to make a decision on it, number 1. Number 2, is it not the actual sign location that is critical, it is the infringement of the light produced by the sign that irritates people that is critical. We have a situation right now that has not hit the fan yet but it is getting ready to, that is where we as a district advisory board approved a light situation, back them off and explained what to do, they agreed and these residents are now riddled with light at night in their neighborhood. I was glad to hear that the lumens were going to be reduced later in the evening and at night. I presume it will around 10 or 11PM shut down.

FOSTER It actually works when it gets dark it automatically switches over or it suppose to switch over. It is a photoelectric sound device.

HOGGATT It can be overridden on that feature to, but it would be nice to know when it gets around 10pm or something like it shut down so the neighbors will not be bothered by the light.

FOSTER The real advantage to this is that it is perpendicular to the houses across the street.

HOGGATT I see that as an advantage.

FOSTER That is a big advantage. The other way, I would have some questions.

HOGGATT You can only advertise to the same neighborhood for so many years then it becomes a problems. You have heard my concerns. I not speaking about this particular signage but I see potential problems in this one that I would not want to see in other ones. I think the College has done a tremendous job and we want to cooperate all we can. However, we have to watch out for all the people. I have seen neighborhoods change from the amount of night light.

FOSTER Is there anyone else who would like to speak to this? I do not think it is an unreasonable request given the location on Hwy 54. It is not facing the neighbors across the street. I would like to see how often it changes and so forth. I am not certain I fully understand the definitions of flashing and animation on how they relate to this. It obviously is a moving thing. It says no moving.

HOGGATT It will be once very second. It has to.

McNEELY The sign code actually defines each of the items and this sign can not have movement on the sign. The image can change every second.

HOGGATTThe frame.

McNEELY Yes, like a slide projector. I tried to address that preemptively in your staff report. I wanted you all to understand that the sign code in this zoning district prohibits video board or animated signs that we are familiar with that has had a lot of complaints. Where you see this image..

HOGGATT It is like that total screen right now.

McNEELY Right.

HOGGATT That is the sign. You can flip to the next frame, but you cannot make something in that frame move.

McNEELY Right. Where you see this image, and this image may have been a tough one to use for this case, we see a soccer player here but there is no movement. It is a still photograph. It is not a video board like we have seen in other places. Where the sign code does define movement, this would not be a moving sign. It can change as an electronic message board sign but it cannot have any movement.

HOGGATT Moving every second is faster than I move.

DICKGRAFF Probably not as fast the payday loan signs.

McNEELY Probably with that one, the second standard came about sometime ago with relations to electronic message board signs, back with the bank signs that showed times, temperature and something else. It was determined that if it did not change faster than once per second, it would not be consider a moving or flashing sign. It was just changing, what message was rotating.

FOSTER Are there any other comments on this?

HOGGATT If we see a visible problem on there, we could go to them and ask to make sense of the problem. I think they will cooperate. I just worry about the fact that I can not see what is happening over there to those neighbors.

FOSTER Of course, once you make a decision here, they can do whatever the decision is.

HOGGATT I kind of want an agreement that they will work with us.

DICKGRAFFE From the enforcement standpoint, staff can go out and check and should check and will check that the sign meets the intent and perimeters of the ordinance. Unfortunately when you talk about lighting, what is bright and not bright. That is a real subjective area. I do not want the board to think that if someone thinks it is too bright we can go and tell them to turn it down, because that not the kind of variance we are dealing with. We are dealing with simply the color, not the illuminations, or when it dims down or turns offs. They can leave it as bright as the ordinance allows as long as it was black and white. I understand your concern and they

understand your concerns. I just want to make it clear what this board can and cannot do as staff.

FOSTER This is the measurable thing it has a LED it has a strange thing that is called nits, they are measurable amounts of illumination and so forth. It seems like we are discussing this more than usual. We have never had a case like this before to relate it to the new statue and ordinance either. That is why you are hearing this discussion.

HOGGATT In regards to whether it is color or white light, white light is perfectly find under this regulation. The white light would be more objectionable than the color light. It would have more nit. They did everyone a favor by using color light.

BLICK I would like to make a motion.

FOSTER Yes Mr. Blick.

BLICK I will move that the board accept the findings of facts as set forth in the secretary's report on BZA2007-64 and that all five conditions set out in section 2.12.590 B of the City Code as necessary for the granting of a variance have been found to exist and that the variance be granted subject to the conditions to approve all three variance requests.

GREENLEE Seconded.

DICKGRAFE You are approving all three variances to be granted?

FOSTER Moved by Mr. Blick and seconded by Mr. Greenlee. Are there any other discussions? I will call a motion. Those in favor say aye. Any opposed say nay.

**Motion Carries 5-0 unanimously**

FOSTER I reviewed the 2008 BZA calendar and basically it is on the 4 Tuesday for every month. December's BZA meeting is on the 23<sup>rd</sup> so what day is Christmas on next year?

DICKGRAFE It is a Thursday, if the BZA meeting is on a Tuesday.

McNEELY I think that was one of our few options. We try to schedule the County BZA appeals to schedule every one on a Tuesday every first or second Tuesday of the month, that was some concern but the only option we had left.

HOGGATT If we don't have any cases on the schedule, we will not have to worry. Right Yolanda?

ARBERTHA Yeah! I will hope we do not make one.

McNEELY In January 2008, we do not have a meeting next month. We do not have any cases to be heard.

HOGGATT That is very good. Bickley are you upset about that?

FOSTER Well....I just thinking if we went to the week before would that mess things up?

ANTHIMIDES Why don't we just leave it for now?

FOSTER Now if we leave it, there is an obligation to be there.

HOGGATT My first intention.

FOSTER Do I hear a motion to approve the 2008 Calendar?

BLICK I have one question? Is there anyway we can meet in the mornings?

McNEELY The bylaws specified that we meet at 1:30 in the afternoon. If the bylaws were changed, it would be possible. However, it is also the same time the City Council meeting. We do not have any public hearing that are in the morning except the Council. The County BZA meets in the afternoons.

FOSTER Okay, do I hear a motion to approve the calendar?

GREENLEE So moved.

HOGGATT Seconded.

FOSTER All in favor say aye. All opposed say nay.

**Motion carries 5-0 unanimously**

FOSTER We have Herb next with his report.

SHANER BZA05-3 was a variance to reduce the setback on the south from 15 feet to 0 feet to allow for a replacement chiller at Lewis Elementary school, at 3030 S. Osage. They never did put that chiller and stuff down instead they converted to installing on top of the roof for each classroom for cooling. I did ragged on them about the transformer sitting out there that had to be stream from the SF-5 one. I got that taken care of, and that is all. Unfortunately, I will not have a report next month.

FOSTER Herb this is a thought from what I learned today from this last case. There is an opportunity here under this zone, that need to be looked at because we have 2 or 3 colleges that are on this state highway route, we need to take into account

as to where they put their signs and so forth and they would not have to pay the \$100. We need to feed that information back, to see if it will work or not work. Okay we are now ready for our BZA training workshop.

DICKGRAFE I will leave it up to the board as we ran long today. I will be more than happy to do a little today or we can defer it. You should have received information regarding conflicts, open meetings, and general board authority. Staff thought that it would be a good time to give a refresher course for the old members as well as providing new information for the new members. I now you just received the information today. I do not have a problem with doing it in January.

FOSTER Is this the material you handed out to us?

DICKGRAFE Yes. You should have received it when you came today.

FOSTER Jess, can you look forward to January?

McNEELY Yes we can, we have a filing for January. So, we do have one item so far.

FOSTER Of course, it could be more than one case but one so far?

McNEELY We could have enough time to do this. What do you other members suggest?

GREENLEE I will make a motion to do it in January.

FOSTER By consensus of the board, we will ask that the workshop be put off until January. At the same time, it will give us time to read the material. Please make certain you bring the material back with you. Is there anything else? If nothing else can I get a motion to adjourn?

BLICK Moves to adjourn.

GREENLEE Seconded.

Adjournment at 2:57 p.m.

